



**STATE OF WISCONSIN  
JOINT LEGISLATIVE COUNCIL**

**REPORT NO. 4 TO THE 1999 LEGISLATURE**

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**LEGISLATION ON CONSERVATION LAWS ENFORCEMENT**

- 1999 ASSEMBLY BILL 490, Relating to the Designation and Duties of Chief Warden, Deputy Chief Warden, Internal Affairs Officer and Complaint Officer Within the Department of Natural Resources
- 1999 ASSEMBLY BILL 491, Relating to Authorizing Conservation Wardens to Enforce the Trespass Law and Prohibitions on Shooting at Caged or Staked Wild Animals and to Make Arrests Under Warrants Issued for Felonies or Misdemeanors
- 1999 ASSEMBLY BILL 492, Relating to Limiting Administrative Expenses Paid From the Fish and Wildlife Account of the Conservation Fund and Creating New Conservation Warden Positions

Legislative Council Staff  
September 30, 1999

One East Main Street, Suite 401  
Madison, Wisconsin

RL 99-4

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JOINT LEGISLATIVE COUNCIL  
REPORT NO. 4 TO THE 1999 LEGISLATURE\*

LEGISLATION ON CONSERVATION LAWS ENFORCEMENT

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\* This Report was prepared by Gordon A. Anderson, Senior Staff Attorney, Legislative Council Staff.



**PART I**

**KEY PROVISIONS OF LEGISLATION; COMMITTEE  
AND JOINT LEGISLATIVE COUNCIL VOTES**

**A. 1999 ASSEMBLY BILL 490, RELATING TO THE DESIGNATION AND DUTIES OF  
CHIEF WARDEN, DEPUTY CHIEF WARDEN, INTERNAL AFFAIRS OFFICER AND  
COMPLAINT OFFICER WITHIN THE DEPARTMENT OF NATURAL RESOURCES**

- **Designation of Chief Warden and Deputy Wardens; Duties**

Requires the Department of Natural Resources (DNR) to designate a conservation warden as the chief warden and permits the DNR to designate one or more deputy chief wardens.

Provides that the chief warden will have the duty to direct, supervise and control conservation wardens in the performance of their duties as wardens.

Provides that the chief warden must designate an internal affairs officer to investigate complaints against conservation wardens when the chief warden determines an investigation is necessary and designate a complaint officer to resolve complaints against conservation wardens.

- **Votes**

By a mail ballot, dated April 30, 1999, the Special Committee on Conservation Laws Enforcement voted to recommend LRB-3063/1 (as WLCS: 0012/2), relating to the designation and duties of chief warden, deputy chief warden, internal affairs officer and complaint officer within the department of natural resources by a vote of Ayes, 18 (Reps. Johnsrud, Hubler, Ainsworth, Albers, Gunderson, Kreuser and Meyer; Sens. Schultz, Drzewiecki and Wirch; and Public Members Bortz, Buss, Jarvis, Ladd, Moustakis, Rutledge, Sromek and Steinhorst); Noes, 0; and Not Voting, 1 (Public Member Adkins).

At its September 22, 1999 meeting, the Joint Legislative Council voted to introduce 1999 Assembly Bill 490 (LRB-3063/1) by a vote of Ayes, 19 (Sens. Risser, Burke, Chvala, Cowles, Ellis, Erpenbach, Grobschmidt, Rosenzweig and Zien; and Reps. Kelso, Bock, Foti, Freese, Gard, Huber, Jensen, Krug, Seratti and Stone); Noes, 1 (Rep. Schneider); and Absent, 2 (Sens. George and Robson).

**B. 1999 ASSEMBLY BILL 491, RELATING TO AUTHORIZING CONSERVATION  
WARDENS TO ENFORCE THE TRESPASS LAW AND PROHIBITIONS ON SHOOTING  
AT CAGED OR STAKED WILD ANIMALS AND TO MAKE ARRESTS UNDER  
WARRANTS FOR FELONIES OR MISDEMEANORS**

- **Trespass Law**

Authorizes conservation wardens to enforce violations of s. 943.13, Stats., the trespass law, subject to the limitation that they may do so only if a warden determines, while carrying out

his or her other statutory duties, that a violation has been committed. This change will leave primary enforcement of the trespass law with sheriff's and police departments.

- **Shooting at Staked or Caged Wild Animals**

Authorizes conservation wardens to enforce s. 951.09, Stats., relating to shooting at caged or staked animals, when the animal involved is a *wild* animal. This change will allow conservation wardens to issue citations for shooting at caged or staked wild animals where the shooting is not pursuant to a game farm or shooting preserve license issued by the DNR or the shooting is not of wild game in its wild state.

- **Arrests Under Misdemeanor Warrants**

Authorizes conservation wardens to make arrests pursuant to an arrest warrant for any crime (a felony or misdemeanor) if the conservation warden has completed an approved law enforcement training program, been certified as qualified to be a law enforcement officer and complied with applicable requirements. This change will expand the current authority of conservation wardens to make arrests under felony warrants by adding arrests under misdemeanor warrants.

- **Votes**

By a mail ballot, dated April 30, 1999, the Special Committee on Conservation Laws Enforcement voted to recommend LRB-3061/1 (as WLCS: 0117/1), relating to authorizing conservation wardens to enforce the trespass law and prohibitions on shooting at caged or staked wild animals and to make arrests under warrants for felonies or misdemeanors by a vote of Ayes, 16 (Reps. Johnsrud, Hubler, Albers, Gunderson, Kreuser and Meyer; Sens. Schultz and Wirch; and Public Members Bortz, Buss, Jarvis, Ladd, Moustakis, Rutledge, Sromek and Steinhorst); Noes, 2 (Rep. Ainsworth and Sen. Drzewiecki); and Not Voting, 1 (Public Member Adkins).

At its September 22, 1999 meeting, the Joint Legislative Council voted to introduce 1999 Assembly Bill 491 (LRB-3061/1) by a vote of Ayes, 19 (Sens. Risser, Burke, Chvala, Cowles, Ellis, Erpenbach, Grobschmidt, Rosenzweig and Zien; and Reps. Kelso, Bock, Foti, Freese, Gard, Huber, Jensen, Krug, Seratti and Stone); Noes, 1 (Rep. Schneider); and Absent, 2 (Sens. George and Robson).

**C. 1999 ASSEMBLY BILL 492, RELATING TO LIMITING ADMINISTRATIVE EXPENSES PAID FROM THE FISH AND WILDLIFE ACCOUNT OF THE CONSERVATION FUND AND CREATING NEW CONSERVATION WARDEN POSITIONS**

- **Limits on Administrative Expenses**

Statutorily establishes the Fish and Wildlife Account of the Conservation Fund and limits the amount of administrative expenses funded from the Fish and Wildlife Account to an amount not to exceed 10% in any fiscal year.

- **Increases in Conservation Wardens**

Increases the number of authorized full-time equivalent positions for the DNR by four segregated fund conservation warden positions, funded from the Fish and Wildlife Account. This increase will be funded with savings achieved through the limit in administrative expenses.

- **Votes**

By a mail ballot, dated April 30, 1999, the Special Committee on Conservation Laws Enforcement voted to recommend LRB-3062/2 (as WLCS: 0118/1), relating to limiting administrative expenses paid from the fish and wildlife account of the conservation fund and creating new conservation warden positions by a vote of Ayes, 18 (Reps. Johnsrud, Hubler, Ainsworth, Albers, Gunderson, Kreuser and Meyer; Sens. Schultz, Drzewiecki and Wirch; and Public Members Bortz, Buss, Jarvis, Ladd, Moustakis, Rutledge, Sromek and Steinhorst); Noes, 0; and Not Voting, 1 (Public Member Adkins).

At its September 22, 1999 meeting, the Joint Legislative Council voted to introduce 1999 Assembly Bill 492 (LRB-3062/2) by a vote of Ayes, 19 (Sens. Risser, Burke, Chvala, Cowles, Ellis, Erpenbach, Grobschmidt, Rosenzweig and Zien; and Reps. Kelso, Bock, Foti, Freese, Gard, Huber, Jensen, Krug, Seratti and Stone); Noes, 1 (Rep. Schneider); and Absent, 2 (Sens. George and Robson).



## **PART II**

### **COMMITTEE ACTIVITY**

#### **A. ASSIGNMENT**

The Joint Legislative Council established the Special Committee on Conservation Laws Enforcement and appointed its chairperson by a June 24, 1998 mail ballot. The Special Committee was directed to study staffing levels and duties of conservation wardens as they relate to the enforcement of fish and game and other natural resource-related laws and to consider means and methods of ensuring the adequacy of such enforcement.

The membership of the Special Committee, appointed by an August 21, 1998 mail ballot, consisted of seven Representatives, three Senators and nine Public Members. A list of the Committee members is included as **Appendix 2** to this report.

#### **B. SUMMARY OF MEETINGS**

The Special Committee held six meetings at the State Capitol in Madison on the following dates:

|                    |                   |
|--------------------|-------------------|
| September 30, 1998 | December 16, 1998 |
| October 29, 1998   | January 20, 1999  |
| November 17, 1998  | February 24, 1999 |

At the September 30, 1998 meeting, the Committee staff described the history of Wisconsin conservation laws enforcement, including the development of conservation laws in Wisconsin, changes in the duties of conservation wardens during the period from 1949 to 1998, increases in the number of conservation wardens and other conservation-related enforcement personnel, and the appointment and current duties of conservation wardens under Wisconsin statutes. Staff also described the funding and a workload analysis of DNR law enforcement personnel and conservation warden recruitment, testing and training.

The Committee also heard a presentation from Thomas L. Harelson, Chief, Bureau of Law Enforcement, Division of Enforcement and Science, DNR. He distributed materials to the Committee including: (1) issue briefs on technology, warden support, warden staffing and telephone workload; (2) information on warden staffing and the warden shortage problem; (3) information on improving productivity of conservation wardens through support staff services; (4) a description of partner support provided to the DNR by volunteers; (5) information on warden retirements and projected retirements from 1994 through 2028; (6) a chart on complaints received by DNR; and (7) a paper on the economic importance of sport fishing to the state.

At the October 29, 1998 meeting, the Committee heard presentations from Don Bezruki and Paul Stüber, Directors, Program Evaluation Division, Legislative Audit Bureau (LAB), on the LAB's audit of fish and wildlife programs (LAB Report 98-9).



Thomas L. Harelson, Chief, and John T. Daniel, Deputy Chief, Bureau of Law Enforcement, Division of Enforcement and Science, DNR, made presentations to the Committee on time reporting by wardens and the daily log that wardens fill out for every day of the month. They also discussed the expense reports filled out by wardens and policies relating to reimbursement for meals and overtime. The presentations also discussed various issues regarding the technology initiatives requested by DNR wardens. The Committee also reviewed information relating to and restrictions on the use of the natural resources-related fines and forfeitures, liability of volunteers who support DNR programs, the new fishing and hunting license sales system and the economic importance of hunting to the state.

At its November 17, 1998 meeting, the Committee heard a presentation by Michael A. Lutz, Attorney, Bureau of Legal Services, DNR, on training of conservation wardens in criminal law and issues relating to search and seizure. The Committee heard presentations by Douglas D. Hoskins, Southeast Regional Warden, David E. Rasmussen, West Central Regional Warden and Randall J. Stark, South Central Regional Warden, on the varying duties in environment and other enforcement areas within the regions. Joel C. McOlash, Door County Warden, Northeast Region, described the discipline process and his perspectives as a union steward.

The Committee reviewed comparative data relating to Wisconsin's warden staff and the warden staffs of other states, information on retirement benefits for DNR employees who serve as special conservation wardens on a part-time basis, DNR's structure, the distribution of law enforcement personnel, complaint procedures against wardens and Wisconsin's new trespass law.

At its December 16, 1998 meeting, George E. Meyer, Secretary of Natural Resources, presented information on the 18 new warden positions funded in the recently enacted budget adjustment bill. He discussed suggestions for Committee recommendations made by Committee members with particular emphasis on the environmental programs within the DNR and issues relating to the difficulties there would be enforcing environmental laws if those duties were removed from the wardens' responsibilities. He reviewed other suggestions made to the Committee regarding trespass law enforcement, DNR service center hours and funding issues for law enforcement. He concluded by responding to questions from the Committee.

The Committee also reviewed staff papers relating to funding and workload of DNR law enforcement personnel and suggestions for Committee recommendations made by Committee members.

At its January 20, 1999 meeting, the Committee discussed information relating to Wisconsin wardens' wages in comparison with wages paid by surrounding states and the U.S. Fish and Wildlife Service, additional suggestions made by Committee members and preliminary drafts of legislation relating to creating the office of chief warden and giving conservation wardens the authority to enforce the trespass law. The Committee also reviewed motions relating to the DNR budget request for mobile data computers for wardens.

At its February 24, 1999 meeting, the Committee reviewed drafts prepared by staff relating to authorizing conservation wardens to enforce trespass laws, allowing conservation wardens to enforce prohibitions on shooting at caged or staked animals and enabling conservation wardens to make arrests under misdemeanor warrants; limiting administrative expenses paid

from the Fish and Wildlife Account; and creating the office of chief warden. After discussion and revision of these drafts, the Committee gave preliminary approval to five drafts and to three letters relating to computers for DNR wardens, suggestions for ways in which DNR can assist wardens in their duties and financing of computer training costs.

By an April 30, 1999 mail ballot, the Committee approved three drafts relating to conservation laws, which combined the five drafts considered at the February 24, 1999 meeting, and approved the three letters.

### **C. STAFF MATERIALS AND OTHER MATERIALS**

**Appendix 4** lists all of the materials received by the Special Committee on Conservation Laws Enforcement. In addition to these listed materials, Legislative Council Staff prepared several bill drafts for the Special Committee and a summary of each of the Special Committee meetings. The following document, prepared by the Legislative Council Staff, may be of particular interest to persons interested in the work of the Committee:

- Staff Brief 98-1, *Wisconsin Conservation Laws Enforcement* (September 22, 1998).



### **PART III**

#### **BACKGROUND; DESCRIPTION OF BILLS**

This Part of the Report provides background information on, and a description of, the three bills recommended by the Special Committee on Conservation Laws Enforcement, as introduced by the Joint Legislative Council.

#### **A. 1999 ASSEMBLY BILL 490, RELATING TO THE DESIGNATION AND DUTIES OF CHIEF WARDEN, DEPUTY CHIEF WARDEN, INTERNAL AFFAIRS OFFICER AND COMPLAINT OFFICER WITHIN THE DEPARTMENT OF NATURAL RESOURCES**

##### **1. Background**

Although Wisconsin for many years has had a chief warden, there is currently no statutory provision requiring the appointment of a chief warden. The number of conservation wardens has grown over time to 209 positions and the DNR warden staff has at least 38 specific statutory duties, in addition to their permissive powers and their general enforcement duties under eight chapters of the statutes. The current DNR organizational structure provides for five regions, each headed by a regional warden, who is under the direction and supervision of the regional administrator. The “chief warden” appointed by the secretary of the DNR has no statutory authority over the regional wardens, the warden supervisors or field wardens. In addition, wardens may have duties assigned to them by the regional administrators and the chief warden has no authority over, and is not responsible for, the actions of conservation wardens in carrying out those duties.

The Special Committee concluded that it would be appropriate to require by statute that the DNR must designate a conservation warden as chief warden and permit the DNR to appoint one or more deputy chief wardens.

In addition, the Committee learned that the chief warden has no disciplinary authority over conservation wardens nor does he or she have any responsibility to investigate or resolve complaints against conservation wardens. The Committee determined that the chief warden should be required to designate a person as an internal affairs officer to investigate complaints against conservation wardens when an investigation is determined by the chief warden to be necessary, and to designate a complaint officer who will intervene and work with citizens to resolve complaints against, or involving, conservation wardens.

##### **2. Description of the Bill**

Assembly Bill 490 requires the DNR to designate a conservation warden as the chief warden and permits it to designate one or more deputy chief wardens. The chief warden will have the duty to direct, supervise and control conservation wardens in their performance of their duties. The chief warden is required to designate an internal affairs officer to investigate complaints against conservation wardens when the chief warden determines an investigation is

necessary. Further, the chief warden is required to designate a complaint officer to resolve complaints against conservation wardens.

This bill does not affect the direction and supervision of the chief warden by the Secretary of Natural Resources, the Deputy Secretary and appropriate division administrator.

**B. 1999 ASSEMBLY BILL 491, RELATING TO AUTHORIZING CONSERVATION WARDENS TO ENFORCE THE TRESPASS LAW AND PROHIBITIONS ON SHOOTING AT CAGED OR STAKED WILD ANIMALS AND TO MAKE ARRESTS UNDER WARRANTS FOR FELONIES OR MISDEMEANORS**

**1. Background**

In the process of reviewing the duties of conservation wardens, the Committee noted that there are omissions in their statutory authority that should be remedied.

Currently, conservation wardens are not authorized to enforce violations of s. 943.13, Stats., the trespass law. For example, during the deer hunting season, if a conservation warden, while examining licenses and ensuring that hunters comply with safety and deer hunting laws, receives a complaint from the owner of the premises that the hunters are trespassing, the warden has no authority to issue a citation.

Currently under s. 951.09, Stats., shooting any animal that is staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size, is illegal unless the shooting is of *wild game in its wild state* or the shooting is of wild birds and waterfowl *at* licensed game farms or licensed shooting preserves. The penalty for violation is a Class C forfeiture (an amount not to exceed \$500). Any person who intentionally or negligently violates the law is guilty of a Class A misdemeanor, which is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both. However, a conservation warden has no authority to enforce the statute, even if wild animals are involved.

Currently, a conservation warden who has completed an approved law enforcement training program, been certified as qualified to be a law enforcement officer and complied with other requirements is authorized to arrest a person pursuant to an arrest warrant for a *felony* or to arrest a person who has committed a crime in the presence of a warden. However, a conservation warden may not arrest a person who is the subject of an arrest warrant for a *misdemeanor*.

**2. Description of the Bill**

**a. Enforcement of Trespass Law**

Assembly Bill 491 authorizes conservation wardens to enforce violations of s. 943.13, Stats., the trespass law. However, the bill authorizes a warden to do so only if the warden determines, while carrying out his or her statutory duties, that a violation has been committed. The authority to issue citations and to arrest for violations is discretionary. The DNR and its

wardens are not the primary enforcers of the trespass law; the primary duty to respond to trespass complaints remains with sheriffs' and police departments.

**b. Shooting Caged or Staked Wild Animals**

Assembly Bill 491 authorizes a conservation warden to enforce the prohibition contained in s. 951.09, Stats., against shooting at a caged or staked animal: (1) if the animal is a **wild animal**; (2) the shooting is not pursuant to a game farm or shooting preserve license issued by the DNR; and (3) the animal is not in its "wild state." If the animal is not a wild animal, enforcement of s. 951.09, Stats., will remain with sheriff's and police departments.

**c. Misdemeanor Warrant Enforcement**

Assembly Bill 491 authorizes a conservation warden to arrest a person who is the subject of an arrest warrant for any crime (a felony or misdemeanor) just as he or she may currently do for a felony or for a case in which a person has committed a crime in the presence of the warden. The conservation warden must have completed an approved law enforcement training program, been certified as qualified to be a law enforcement officer and complied with applicable statutory requirements in order to affect such an arrest.

**C. 1999 ASSEMBLY BILL 492, RELATING TO LIMITING ADMINISTRATIVE EXPENSES PAID FROM THE FISH AND WILDLIFE ACCOUNT OF THE CONSERVATION FUND AND CREATING NEW CONSERVATION WARDEN POSITIONS**

**1. Background**

The Committee, during the course of its deliberations, reviewed Legislative Audit Bureau Report 98-9 which showed that a total of \$12.8 million was expended from the Fish and Wildlife Account of the Conservation Fund in 1996-97 for a variety of administrative expenses.

Administrative expenditures included for fiscal year 1996-97 were as follows:

|  |                     |
|--|---------------------|
| Department administration and support services | \$ 7,903,200        |
| Division administration                        | \$ 2,500,300        |
| Bureau of Law Enforcement administration       | \$ 1,212,800        |
| Licensing administration                       | <u>\$ 1,213,100</u> |
| Total  | \$12,829,400        |

The total expenditures from the Fish and Wildlife Account in that fiscal year were approximately \$50.4 million. Thus, in fiscal year 1996-97, approximately 25.5% of the Fish and Wildlife Account expenditures were for administration.

The Committee felt that because of the limited amount of funds available from license fees, a reduction in the administrative expenses from the Fish and Wildlife Account is appropriate. The DNR has the option of redistributing some administrative expenses to the other accounts of the Conservation Fund, including for forestry, parks, water resources, snowmobiles, boats, all-terrain vehicles, motorcycles, natural resources magazine and endangered resources, to make up for restricted funding from the Fish and Wildlife Account.

## **2. Description of the Bill**

1999 Assembly Bill 492 creates the Fish and Wildlife Account by statute. Currently, this account is referred to in the statutes but has not been formally established by statute. The bill provides that funds accruing to the Conservation Fund from license fees paid under ch. 29, Stats., constitute the Fish and Wildlife Account which may not be diverted for any purpose other than those provided by the DNR. Further, it provides that an amount, not to exceed **10%** of the Fish and Wildlife Account, may be expended in any fiscal year for administration. Finally, it provides that from the savings achieved by this restriction, the number of authorized positions for the DNR is increased by four full-time conservation warden positions funded from the Fish and Wildlife Account.

GAA:ksm;rv

**APPENDIX 1**

**JOINT LEGISLATIVE COUNCIL**

s. 13.81, Stats.

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**APPENDIX 2**

**CONSERVATION LAWS ENFORCEMENT,  
SPECIAL COMMITTEE ON**

**OFFICERS**

**Chairperson**

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**Secretary**

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Farmer; Member, Waushara Co.  
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**STUDY ASSIGNMENT:** The Committee is directed to study staffing levels and duties of conservation wardens as they relate to the enforcement of fish and game and other natural resource-related laws, and to consider means and methods of ensuring the adequacy of such enforcement. The Special Committee shall report its recommendations to the Joint Legislative Council by May 1, 1999. [Based on July 25, 1997, March 25, 1998 and May 27, 1998 letters from Sen. Dale Schultz.]

Established and Chairperson appointed by a June 24, 1998 mail ballot; members appointed by an August 21, 1998 mail ballot.

**19 MEMBERS:** 3 Senators, 7 Representatives; and 9 Public Members.

**LEGISLATIVE COUNCIL STAFF:** Gordon Anderson, Senior Staff Attorney and Rachel Veum, Administrative Staff.

(1) Resigned from the Committee on February 24, 1999.



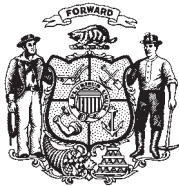
***APPENDIX 3***

***LETTERS CONTAINING OTHER  
RECOMMENDATIONS BY THE COMMITTEE***



*State of Wisconsin*  
**JOINT LEGISLATIVE COUNCIL**

**Special Committee on  
Conservation Laws Enforcement**  
*Representative DuWayne Johnsrud*  
*Chairperson*



**Committee Staff:**  
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May 12, 1999

Secretary Mark Bugher  
Department of Administration  
101 East Wilson Street, 10th Floor  
Madison, WI 53703

Dear Secretary Bugher:

The Joint Legislative Council established its Special Committee on Conservation Laws Enforcement and directed it to study staffing levels and duties of conservation wardens as they relate to the enforcement of fish and game and other natural resource-related laws and considers means and methods of ensuring the adequacy of such enforcement.

At its first meeting, the Special Committee received testimony on a proposal to provide conservation wardens with mobile data computers to assist in conservation law enforcement. Subsequent discussion has convinced us that providing laptop computers to field wardens will greatly enhance their ability to check licenses, report violations and report information to the Department of Natural Resources (DNR) and other agencies.

Therefore, the Special Committee on Conservation Laws Enforcement supports the request by the DNR for a master lease, beginning in fiscal year 2000, in the amount of \$750,000, to acquire mobile data computers for conservation wardens.

If you have any questions regarding this recommendation, please let me know.

Sincerely,

Representative DuWayne Johnsrud  
Chairperson, Special Committee on  
Conservation Laws Enforcement

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State of Wisconsin  
JOINT LEGISLATIVE COUNCIL

Special Committee on  
Conservation Laws Enforcement  
*Representative DuWayne Johnsrud*  
Chairperson



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May 12, 1999

Representative John Gard, Cochairperson  
Joint Committee on Finance  
Room 315 North  
State Capitol  
Madison, WI 53701

Senator Brian Burke, Cochairperson  
Joint Committee on Finance  
Room 316 South  
State Capitol  
Madison, WI 53701

Dear Cochairpersons Gard and Burke:

The Department of Natural Resources (DNR) in its 1999-2001 biennial budget request, under its enforcement and science program, has requested the amount of \$46,000 in fiscal year 2000 and \$34,000 in fiscal year 2001 for training wardens in the use of laptop computers that it intends to obtain under a master lease agreement with the Department of Administration.

The Special Committee on Conservation Laws Enforcement reviewed the request and asked the Bureau of Law Enforcement to obtain information about the actual costs of training based on the experience in Minnesota which is utilizing a similar system to the one that is proposed for Wisconsin. Based on information presented to the Special Committee by Chief Warden Tom Harelson, the Committee hereby requests that the amount provided to the DNR under its enforcement and science program be increased by **\$28,000** in the first year of the biennium and by **\$1,500** in the second year to reflect the Bureau of Law Enforcement's revised estimate of the actual cost of training wardens.

If you have any questions about this request, please let me know.

Sincerely,

Representative DuWayne Johnsrud  
Chairperson, Special Committee on  
Conservation Laws Enforcement

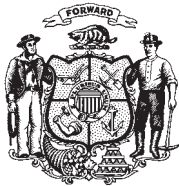
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May 12, 1999

Mr. George E. Meyer, Secretary  
Wisconsin Department of Natural Resources  
101 South Webster Street  
Madison, WI 53703

Dear Secretary Meyer:

In completing its review of conservation law enforcement, the Legislative Council's Special Committee on Conservation Laws Enforcement considered and adopted a number of recommendations relating to operation of the department. These recommendations are being conveyed to you by letter pursuant to a mail ballot dated April 30, 1999.

**1. TIP Hotline**

The Special Committee feels that the "TIP" hotline for reporting fish and game law violations should be operated by or under the direction and supervision of the Department of Natural Resources (DNR) on a 24-hour per day, seven day per week basis. As you know, currently the DNR operates the hotline only during normal working hours and contracts with the Wisconsin State Patrol for operation outside of those periods. The Committee feels that a full-time hotline operated by DNR or under its direct supervision will ensure that, on evenings and weekends, fish and game law violations are promptly reported and handled by DNR personnel trained to evaluate both the severity of the violation and the need for prompt response.

The Committee understands that the proposed toll-free "800" number contained in the biennial budget for recreational customers may prove useful in answering basic questions about recreational licenses and may reduce telephone inquiries to conservation wardens at their homes. However, the Committee has reservations about the success of such automated services. The Committee feels that the funds proposed to be spent on this line would be better spent on the "TIP" line.

**2. Service Centers**

The Committee reviewed the issue of telephone calls to wardens, many of which relate to basic licensing questions. The Committee feels that DNR service centers should be operated at

least two nights per week until at least 7:00 p.m. and on Saturdays from at least 9:00 a.m. to 1:00 p.m. This cannot only provide better service to the public but should substantially reduce telephone calls to wardens during evenings and weekends.

### 3. Telephone Service

The Committee also feels that if the state is paying for a telephone line for a warden in his or her house, the line *must* be a listed number. The Committee does not object if the warden *also* has a private unlisted number.

### 4. Warden Pay

The Committee reviewed data provided by Committee member David Ladd which indicates that Wisconsin conservation wardens are the lowest paid of the states in the Midwest (copy enclosed). The Wisconsin wardens' wages appear to be substantially below those of Michigan, Iowa, Illinois and Minnesota. The wages also significantly trail those of the U.S. Fish and Wildlife Service agents. The Committee feels that although we should not attempt to make our wardens the highest paid in the Midwest, considering the work load of the wardens, and their substantially broader responsibilities than wardens in surrounding states, Wisconsin ought to at least attempt to achieve the goal that our wardens will be paid at the median of the midwestern wardens.

### 5. Training of License Sellers

The Committee feels that the DNR should provide additional training on hunting and fishing and recreational vehicle regulations for retailers who sell licenses on behalf of the DNR. This will not only increase their ability to respond to questions from the public, but it should result in a reduction in the number of telephone calls to wardens at their homes, particularly during evenings and weekends.

If you have any questions regarding these recommendations, please let me know.

Sincerely,

Representative DuWayne Johnsrud  
Chairperson, Special Committee on  
Conservation Laws Enforcement

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Enclosure

**1998**

**Wage Comparisons**

**Wisconsin Wardens vs Contiguous States Wardens**

**At 6 Years of Service**

| State     | Wage/Hr |
|-----------|---------|
| Minnesota | \$22.23 |
| Illinois  | \$20.98 |
| Michigan  | \$20.93 |
| Iowa      | \$18.86 |
| Wisconsin | \$16.82 |

**At 9 Years of Service**

| State     | Wage/Hr |
|-----------|---------|
| Minnesota | \$22.67 |
| Illinois  | \$22.49 |
| Michigan  | \$20.93 |
| Iowa      | \$18.86 |
| Wisconsin | \$17.33 |

**At 20 Years of Service**

| State     | Wage/Hr |
|-----------|---------|
| Illinois  | \$27.46 |
| Minnesota | \$22.67 |
| Michigan  | \$20.93 |
| Wisconsin | \$19.17 |
| Iowa      | \$18.86 |

***WI Wardens vs USFW Service Special Agents***

| WI Warden PR-14 |         | SpecialAgent GS-12 |         |
|-----------------|---------|--------------------|---------|
| Years           | Wage/Hr | Years              | Wage/Hr |
| 5               | \$16.65 | 5                  | \$24.46 |
| 7               | \$17.00 | 7                  | \$25.20 |
| 9               | \$17.33 | 9                  | \$25.95 |
| 11              | \$17.66 | 11                 | \$26.67 |
| 14              | \$18.17 | 14                 | \$27.43 |
| 17              | \$18.66 | 17                 | \$28.17 |
| 20+             | \$19.17 | 21                 | \$28.91 |



**APPENDIX 4**

**COMMITTEE MATERIALS**

**Staff Materials**

1. Staff Brief 98-1, *Wisconsin Conservation Laws Enforcement* (September 22, 1998).
2. Memo No. 1, *Information Relating to Funding and Work Load Analysis of the Department of Natural Resources' Law Enforcement Personnel* (September 22, 1998).
3. Memo No. 2, *Information Relating to Conservation Warden Recruitment Testing and Training* (September 22, 1998).
4. Memo No. 3, *Materials Provided by the Department of Natural Resources* (October 21, 1998).
5. Memo No. 4, *Information Relating to, and Restrictions on Use of, Natural Resource-Related Fines and Forfeitures* (October 21, 1998).
6. Memo No. 5, *Information Relating to Liability of Volunteers Who Support Department of Natural Resources Programs* (October 22, 1998).
7. Memo No. 6, *Comparative Data Relating to Wisconsin's Warden Staff and the Warden Staffs of Other States* (November 9, 1998).
8. Memo No. 7, *Retirement Benefits for Department of Natural Resources (DNR) Employees Who Serve as Special Conservation Wardens on a Part-Time Basis* (November 10, 1998).
9. Memo No. 8, *Information Relating to Department of Natural Resources Structure, Distribution of Law Enforcement Personnel and Complaint Procedures Against Wardens* (November 10, 1998).
10. Information Memorandum 96-20, *Trespass to Land (1995 Wisconsin Act 451)* (July 15, 1996).
11. Memo No. 9, *Information Relating to Funding and Work Load of Law Enforcement Personnel in the Department of Natural Resources* (December 8, 1998).
12. Memo No. 10, *Suggestions for Committee Recommendations Made by Committee Members* (December 9, 1998).
13. Memo No. 11, *Suggestions by Committee Members for Committee Recommendations* (January 13, 1999).
14. Memo No. 12, *Proposed Increases in the Number of Conservation Wardens* (February 17, 1999).

15. Memo No. 13, *Preliminary Actions Taken by the Special Committee at Its February 24, 1999 Meeting* (February 26, 1999).

**Other Materials**

1. Packet of materials provided by Tom Harelson, Chief Warden, Bureau of Law Enforcement, DNR, at the September 30, 1998 meeting.

- a. Report, *Warden Staffing*, prepared by Tom Harelson, Chief Warden, Bureau of Law Enforcement, DNR (undated).
- b. Issue Brief, *Technology*, prepared by Tom Harelson, Chief Warden, Bureau of Law Enforcement, DNR (undated).
- c. Issue Brief, *Warden Support*, prepared by Tom Harelson, Chief Warden, Bureau of Law Enforcement, DNR (undated).
- d. Issue Brief, *Warden Staffing*, prepared by Tom Harelson, Chief Warden, Bureau of Law Enforcement, DNR (undated).
- e. Issue Brief, *Phone Workload*, prepared by Tom Harelson, Chief Warden, Bureau of Law Enforcement, DNR (undated).
- f. Handout, *Summary of Warden Shortage Problem*, prepared by DNR staff (undated).
- g. Memorandum, *Warden Staffing Report*, from Tom Harelson, Chief Warden, Bureau of Law Enforcement, DNR (January 15, 1998).
- h. Table, *FY98 Description of Partner Support*, prepared by DNR staff (undated).
- i. Chart, *Warden Retirements*, prepared by DNR staff (undated).
- j. Chart, *Method of Reporting*, prepared by DNR staff (undated).
- k. Report, *Improving Productivity of Conservation Wardens Through Support Staff Services*, prepared by Thomas R. Hansen, Warden Supervisor, DNR (undated).
- l. Pamphlet, *The Economic Importance of Sport Fishing*, prepared by the American Sport Fishing Association (undated).

2. Brochure, *New Fishing & Hunting License Sales System*, prepared by DNR (undated).

3. Pamphlet, *The Economic Importance of Hunting*, prepared by the International Association of Fish and Wildlife Agencies (undated).

4. Legislative Audit Bureau Report 98-9, *Funding Fish and Wildlife Programs* (October 29, 1998).
5. *Wisconsin Game Warden*, Volume 8, No. 2 (Fall/Winter 1998).
6. Form 4100-75 (warden's time report), submitted by Tom Harelson, DNR (June 1996).
7. Chart, *DNR Law Enforcement Training Costs for Development of Computer Skills*, submitted by John T. Daniel, Deputy Chief, Bureau of Law Enforcement, Division of Enforcement and Science, DNR (undated).
8. Letter, from Paul J. Stuiber, Program Evaluation Director, Legislative Audit Bureau (November 25, 1998).
9. Letter, from John W. Welter, Chair, Wisconsin Trout Unlimited (December 11, 1998).
10. Chart, *Comparison of Conservation Warden Time with Environmental Wardens and Environmental Enforcement Specialists*, submitted by John Daniel, DNR (undated).
11. Memorandum, *DNR Positions Having Some Duties Related to Environmental Law*, from Russ Kava, Fiscal Analyst, Legislative Fiscal Bureau (December 16, 1998).
12. Letter, from James L. Saari, Chairman, Snowmobile Recreation Council (December 21, 1998).
13. Table, *Wage Comparisons, Wisconsin Wardens vs Contiguous States Wardens*, submitted by Public Member David Ladd (undated).
14. Memorandum, *Amendment to Chapter 951, Stats.-Corrected Copy*, from Michael A. Lutz (February 15, 1999).
15. Option Paper, *1-800 Number to Answer All Violation Complaints (Tip) Calls From Public*, prepared by John Daniel, Deputy Chief Warden, DNR.
16. Letter, from John Daniel, Bureau of Law Enforcement, DNR (February 16, 1999).
17. Memorandum, *Suggestions by Committee Members for Committee Recommendations*, from Jennifer Sunstrom, Legislative Assistant, Wisconsin Counties Association (February 24, 1999).
18. Memorandum, *Administrative Funding from the Fish and Wildlife Account*, from Russ Kava, Fiscal Analyst, Legislative Fiscal Bureau (February 24, 1999).
19. Handout, *Environmental Enforcement*, submitted by Tim Coughlin, Environmental Enforcement Lead Worker, South Central Region, DNR (February 24, 1999).